IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 15569 of 2004

Between:

P. Enock Bala Sunder rao, Physical Director -grade I,

APSWR College (boys), Asifabad, District Adilabad.

..... PETITIONER

AND

1. The Secretary A.P. Social Welfare Residential,

Educational Institutions Society (Reg.) Hyd.,
Teolugu Sanshema Bhavan, Masabtank, Hyd.

2 The Dy. Secretary Zone-V, A.P. Social Welfare

R.E.Institutions Cociety (reg)Hyd,
Telugu Sanshema Bhavan, Masabtank, Hyd.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a Writ, Order or direction, preferably one in the nature of Writ of Mandamus directing the respondents herein to effect transfer of petitioner and his wife to the same school located in the same district, within Zone-V or any other zone in the state of A.P., at the discretion of respondent authorities, after completion of this academic year,(2004-05) by invoking the rules Government Orders, governing the transfer of both the spouses working in the same institution or state Government or Central Government as the case may be, in the same town/school.

Counsel for the Petitioner: MR.S.AGASTYA SHARMA

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following:

ORDER:

The petitioner is working as a Physical Director, Grade-I in the College, under the control of the 1st respondent. The wife of the petitioner is also working in the school, attached to the College, at the same place. The 1st respondent issued proceedings dated 20.08.2004 transferring the petitioner from Asifabad to Koheda in Karimnagar District, and transferring the wife of the petitioner to Elkaturthy in Karimnagar District from Asifabad.

2. The grievance of the petitioner is that the 1st respondent without considering the fact that the petitioner and his wife are living together, and specific instructions that the spouses should be kept at one place, resorted to transfer them to different places.

3. The learned counsel for the respondents represented that against the order of transfer, an appeal lies to the Chairman of the 1st respondent Society, and the petitioner without exhausting the remedy of the appeal, approached this Court through this Writ Petition, seeking an extraordinary relief under Article 226 of the Constitution of India. He therefore submitted that the writ petition couldn't be maintained.

4. In the light of the representation made by the counsel for the respondents, the writ petition at this stage cannot be maintained. The petitioner is at liberty to prefer an appeal to the Chairman of the 1st respondent Society, questioning the impugned order and the Chairman may pass appropriate orders according to rules.

5. The transfer of the petitioner shall be kept in abeyance till the Chairman takes a decision on the appeal that is going to be preferred by the petitioner. The Chairman of the 1st respondent, may dispose of the appeal of the petitioner within two weeks from the date of its filing.

6. The Writ Petition is, accordingly, dismissed with the above observations.

Note:

Issue CC by 01.09.2004

B/o.

dsr/svs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. The Secretary,

A.P.Social Welfare Residential Educational Institutions

Society (Reg.), Hyderabad, Telugu Sanshema Bhavan,

Masabtank, Hyderabad.

2. The Deputy Secretary Zone-V,

A.P.Social Welfare Residential Educational Institutions

Society (Reg.) Hyderabad,Telugu Sanshema Bhavan,

Masabtank, Hyderabad

3. Two CCs to the Government Pleader for Social Welfare,

High Court Buildings, Hyderabad (OUT)

4. Two CD copies.